

REMARKS/ARGUMENTS

In the Final Office Action dated July 14, 2004, the Examiner rejected claims 9-13 Under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner pointed out that claim 1, line 5 recited a planer second portion whereas claim 9, line 2 recited a retainer and that apparently those two elements were the same. Applicant has amended claim 9 to recite that said retaining means includes said second portion, said second portion being adapted to extend across the upper rim of the bearing liner. Claims 10-13 have been amended to conform to that language of amended claim 9. Consequently, Applicant believes that the rejection of claims 9-13 Under 35 U.S.C. § 112 is overcome.

Specifically, with respect to claim 10 Applicant has amended the claim to recite the first portion is secured to the second portions rather than the retainer to the support. Again it is believed this overcomes the rejection of claim 10 Under 35 U.S.C. § 112 set forth in the Final Office Action.

At the top of page 3 of the Office Action, the Examiner indicated that the meaning of the term "support" and "retainer" as recited in claims 1 and 18 do not conform to the specification, however, that their meaning was nonetheless clear. For clarity, Applicant has amended claim 18 to refer only to a support and has revised claims 19, 20, 23 and 24 to conform with this language. Thus, Applicant considers that claims 1 and 18 are consistent with one another in that the support relates to the entire device.

It is Applicants position that the above amendments place the application in better condition for Appeal by eliminating the issues Under 35 U.S.C. § 112. The Examiner is respectfully requested to enter these amendments prior to proceeding with the Appeal since it is Applicant's position that the objections raised by the Examiner have been overcome or, should the Examiner still have objections to the wording of the claims, can be overcome with minor corrections.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

Application No.: 10/007,130

Docket No.: OSTEONICS 3.0-322

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: January 21, 2005

Respectfully submitted,

By 

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